

Rule 4-205. Security of court records.

Intent:

To assure that the security and accuracy of court records are maintained.

To assure that authorized personnel have access to court records when appropriate.

To establish responsibility of court personnel for security of court records.

To establish the procedures for securing non-public records.

Applicability:

This rule shall apply to all courts of record and not of record.

Statement of the Rule:

(1) Court records restricted. All court records shall be kept in a restricted area of the court closed to public access.

(2) The clerk of the court may authorize, in writing, abstractors, credit bureau representatives, title company representatives and others who regularly research court records to have direct access to public court records. The clerk of the court shall ensure that persons to whom such authorization is granted are trained in the proper retrieval and filing of court records. The clerk of court may set reasonable restrictions on time and place for inspecting and copying records.

(3) Removal of records. Court records shall not be removed from their normal place of storage except by court personnel or by individuals obtaining the written authorization of the clerk of the court or the judge assigned to the case. Court records shall not be removed from the courthouse without permission of the court. Records removed from the courthouse shall be returned within two days, except that records removed for the purpose of an appeal shall be returned within such time as specified by the clerk of the court, unless otherwise ordered by the judge. Any person removing a record is responsible for the security and the integrity of the record.

(4) Management of non-public records.

(4)(A) Method of sealing and storage. ~~Private, protected, controlled and sealed Non-public records which are part of a larger public record, and expunged records~~ shall be filed apart from the public record or in a manner that clearly distinguishes the record as not public. Sealed records shall be placed in an envelope which is securely sealed. The clerk of the court shall

1 record the case number and record classification on the envelope and shall inscribe across the
2 sealed part of the envelope the words "Not to be opened except upon permission of the court."

3 (4)(B) Expunged records. Upon entry of an order of expungement, the clerk of the court
4 shall:

5 (4)(B)(i) obliterate or destroy all reference to the expunged portion of the record in the paper
6 copy of the index and maintain a separate index of expunged records not available to the public;

7 (4)(B)(ii) cover, without obliterating or destroying, all entries in the paper copy of the
8 register of actions, including case identifying information other than the court docket number;
9 and

10 (4)(B)(iii) place an entry in the computer record that restricts retrieval of case identifying
11 information and the register of actions to court personnel with authorization to review such
12 information. The security restriction shall not be removed except upon written order of the court.

13 (4)(C) Record of event. The record of expunging or sealing a record shall be entered in the
14 register of actions.

15 ~~(D) Inquiries regarding non-public records.~~

16 ~~(i) Upon receiving a records request concerning a private, protected, controlled, juvenile~~
17 ~~social or legal, or expunged record, from a person not entitled to review the record, the clerk of~~
18 ~~the court shall, without indicating that the record does or does not exist, respond that the~~
19 ~~information requested is not available to the public.~~

20 ~~(ii) Upon receiving a records request concerning a sealed judicial record, the clerk of the~~
21 ~~court shall confirm the existence of the record and provide the case or docket number, but shall~~
22 ~~not provide any other data from the record.~~

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